IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.7606 of 2002

Dated: 20th July, 2006

Between:

Prem Yadav & another.

.. Petitioners

and

Prudential Cooperative Urban Bank Ltd.,
R.P. Road Branch, Secunderabad, rep.by its
Branch Manager & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.7606 of 2002

ORDER:

This writ petition is filed seeking Certiorari to quash the auction notice issued by the second respondent for sale of properties in Form No.8 and 9 under Rule 52(iii)(e) and 52(ii)(e) of the A.P. Cooperative Societies Rules, 1964 as arbitrary, illegal and consequently direct the first respondent to consider the case of petitioners for one time settlement in an equitable manner.

Before going into the facts, it is necessary to notice that this Court

by order dated 22.4.2002 in W.P.M.P.No.9498 of 2002 stayed the sale of the property on condition of petitioners depositing Rs.5,00,000/- within a period of four weeks from the date of receipt of the order. The learned counsel for petitioners states that the said order was not complied with.

The learned counsel for respondents submits that there was a scheme evolved by the respondent Bank for one time settlement, but the said scheme was set aside by a single Judge of this Court in W.P.No.2501 of 2005 by order dated 5.5.2005. Aggrieved by the same, Bank filed W.A.No.1053 of 2005 and batch and the same are pending consideration. However, it was made clear that whenever the Bank intends to consider for one time settlement, it has to obtain permission from the Division Bench in the said writ appeals.

In view of the above, without expressing any opinion on merits, the petitioners are directed to file a fresh application seeking for one time settlement by complying with all the formalities as required in this regard. On such application being made, the respondent Bank shall place the same before the Division Bench for considering the same.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 20.7.2006
DA

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